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In re Application of :
HELLE, Jacky, et al. :
U.S. Application No.: 09/582,006 :
PCT No.: PCT/FR98/02776 :
International Filing Date: 18 December 1998 :
Priority Date: 19 December 1997 :
Attorney's Docket No.: MUNR5702 :
For: DEVICE AND METHOD FOR MOUNTING A :
SADDLE HUB ON A PIPE AND CORRESPONDING :
TYPE :

**DECISION ON
PETITION**

This decision is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" and the papers submitted seeking acceptance of the application without the signature of all the applicants (treated as a petition under 37 CFR 1.47(a)) filed 09 July 2001. Applicants have paid the required petition fees.

BACKGROUND

The procedural background for this application was set forth in the Communication mailed 08 May 2001. That communication noted that applicants did not pay the basic national fee prior to the expiration of thirty months from the priority date, and that the application was therefore abandoned. The communication also noted that the materials submitted by applicants seeking acceptance of the application without the signature of all the applicants did not constitute a grantable petition under 37 CFR 1.47(a).

On 09 July 2001, applicants filed the petitions addressed below. At this time, applicants also submitted a translation of the international application into English, and the surcharge for filing this translation after the thirty month deadline.

DISCUSSION

A. Petition For Revival

Applicants' statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

Applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

B. Petition Under 37 CFR 1.47(a)

Applicants seek acceptance of the application under 37 CFR 1.47(a) without the signature of applicant Alain CALCA. As set forth in the previous communication, a grantable petition under 37 CFR 1.47(a) requires the following: (1) the fee under 37 CFR 1.17(I), (2) a statement of the last known address of the inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

The declaration filed by applicants on 30 October 2000 satisfied item (3) above. Applicants' present submission satisfies the remaining requirements. Accordingly, this application may be accepted under 37 CFR 1.47(a) without the signature of applicant Alain CALCA.

CONCLUSION

Applicants' petition to revive the application under 37 CFR 1.137(b) is **GRANTED**.

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of the nonsigning inventor, Alain CALCA.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record as set forth in the petition, and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

The application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The 35 U.S.C. 371 date is 30 October 2000.



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For: DEVICE AND METHOD FOR MOUNTING A SADDLE HUB ON A PIPE AND
CORRESPONDING TYPE

Dear Mr. CALCA:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a). Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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